

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER J. HELFRICH,

Plaintiff,

v.

DWIGHT NEVEN et al.,

Defendants.

2:14-cv-1725-RFB-NJK

ORDER

(Docket Nos. 1, 44)

This action is a *pro se* civil rights amended complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on October 29, 2014. (ECF No. 8). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 8, 20). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action.¹ (ECF No. 49).

For the foregoing reasons, IT IS ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

....

¹ The Court grants Defendants' motion to extend the deadline for filing its 90-day stay status report. (ECF No. 44).

1 2. The movant herein is permitted to maintain this action to conclusion without the
2 necessity of prepayment of any additional fees or costs or the giving of security therefor. This
3 order granting leave to proceed *in forma pauperis* shall not extend to the issuance of
4 subpoenas at government expense.

5 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
6 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
7 month's deposits to Plaintiff's account (**Peter J. Helfrich, #1111875**), in the months that the
8 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The
9 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.
10 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of
11 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV
12 89702.

13 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
14 of Plaintiff's amended complaint (ECF No. 9) on the Office of the Attorney General of the State
15 of Nevada, attention Kat Howe.

16 5. Subject to the findings of the screening order (ECF No. 8), within **twenty-one**
17 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice
18 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
19 service; (b) the names of the defendants for whom it does not accept service, and (c) the
20 names of the defendants for whom it is filing last-known-address information under seal. As
21 to any of the named defendants for which the Attorney General's Office cannot accept service,
22 the Office shall file, *under seal*, the last known address(es) of those defendant(s) for whom
23 it has such information.

24 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
25 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
26 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
27 Attorney General has not provided last-known-address information, Plaintiff shall provide the
28 full name and address for the defendant(s).

1 7. If the Attorney General accepts service of process for any named defendant(s),
2 such defendant(s) shall file and serve an answer or other response to the amended complaint
3 within **sixty (60) days** from the date of this order.

4 8. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
5 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
6 submitted for consideration by the Court. Plaintiff shall include with the original paper
7 submitted for filing a certificate stating the date that a true and correct copy of the document
8 was mailed to the defendants or counsel for the defendants. If counsel has entered a notice
9 of appearance, Plaintiff shall direct service to the individual attorney named in the notice of
10 appearance, at the address stated therein. The Court may disregard any paper received by
11 a district judge or magistrate judge which has not been filed with the Clerk, and any paper
12 received by a district judge, magistrate judge, or the Clerk which fails to include a certificate
13 showing proper service.

14 9. The motion to extend deadline for filing 90-day stay status report (ECF No. 44)
15 is **GRANTED**.

16
17 DATED: This 5th day of February, 2015.

18
19 
20 _____
21 NANCY J. KOPPE
22 United States Magistrate Judge
23
24
25
26
27
28